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5 *Attorney for Plaintiff*
 6 *Twinrock Holdings, LLC*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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 9 TWINROCK HOLDINGS, LLC, a Utah
 Limited Liability Company,

10 Plaintiff,

11 vs.

12 CITIMORTGAGE, INC., a New York
 Corporation; NATIONAL DEFAULT
 13 SERVICING CORPORATION, a foreign
 corporation; BRECKENRIDGE PROPERTY
 14 FUND 2016, LLC, a foreign Limited Liability
 Company, DOES I through X, inclusive; and
 15 ROE ENTITIES XI through XX,

16 Defendants.

CASE NO: 2:22-cv-00143-JAD-VCF

ECF Nos. 20, 23

STIPULATION TO FILE AMENDED COMPLAINT NUNC PRO TUNC

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 19 COME NOW, Plaintiff TWINROCK HOLDINGS, LLC, by and through its counsel of
 20 record, John Henry Wright, Esq., of The Wright Law Group, P.C., and Defendant
 21 CITIMORTGAGE, INC., by and through its counsel of record, David T. Blake, Esq., of Wolfe &
 22 Wyman, LLP, hereby stipulate and agree as follows:

23 **WHEREAS**, TWINROCK HOLDINGS, LLC (“TWINROCK”), filed its Complaint in the
 24 Eighth Judicial District Court, Clark County, Nevada, (“State Court”) under Case No. A-22-
 25 846539-C on January 11, 2022. The same was served on CITIMORTGAGE, INC. (“CITI”), and
 26 NATIONAL DEFAULT SERVICING CORPORATION (“NATIONAL”) on January 14, 2022.

27 **WHEREAS**, NATIONAL filed a Declaration of Non-monetary Status pursuant to NRS
 28 107.029 with the State Court on January 26, 2022.

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1 **WHEREAS**, CITI filed a Notice of Removal to Federal Court on January 26, 2022. (ECF
2 #1).

3 **WHEREAS**, CITI filed a Motion to Dismiss Complaint on February 4, 2022. (ECF #4).

4 **WHEREAS**, TWINROCK filed an Amended Complaint on March 25, 2022. (ECF #14),
5 which was more than 21 days after CITI filed its Motion to Dismiss, and which violated FRCP
6 15(a)(2). (ECF #4).

7 **WHEREAS**, NATIONAL filed a Motion to Strike Amended Complaint on April 8, 2022,
8 alleging that the Amended Complaint violated FRCP 15(a)(2). (ECF #19).

9 **WHEREAS**, TWINROCK and NATIONAL stipulated to dismiss NATIONAL as a
10 defendant, with prejudice on April 20, 2022. (ECF #22) making the motion moot or withdrawn.

11 **WHEREAS**, Federal Rule of Civil Procedure 15(a)(2) permits any party to file an amended
12 pleading “with the opposing party’s written consent”. At the time of the filing of the Amended
13 Complaint, the only parties to the action were Plaintiff, NATIONAL and CITI.

14 BASED ON THE FOREGOING, TWINROCK and CITI STIPULATE AND AGREE AS
15 FOLLOWS:

16 1. CITI consents to the filing of the Amended Complaint that was filed on March 25,
17 2022, without the need to withdraw or re-file the same; and

18 2. Within twenty-one (21) days after the entry of this Stipulation and Order,
19 Defendants shall file its response to the Amended Complaint; and

20 3. The Parties request that the Court enter this Stipulation and Order *nunc pro tunc*
21 as to the original date of the filing of the Amended Complaint, which is March 25, 2022.

22 The parties have entered into the agreement in good faith and not for any improper purpose
23 or delay.

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26 [SIGNATURES CONTINUE ON NEXT PAGE]
27
28

*Stipulation to File Amended
Complaint Nunc Pro Tunc
CASE NO: 2:22-cv-00143-JAD-VCF*

IT IS SO STIPULATED.

Dated this 29th day of April, 2022.

THE WRIGHT LAW GROUP, P.C.

/s/ John Henry Wright, Esq.

JOHN HENRY WRIGHT, ESQ.

Nevada Bar No. 6182

2340 Paseo Del Prado, Suite D-305

Las Vegas, NV 89102

*Attorney for Plaintiff
Twinrock Holding, LLC*

Dated this 29th day of April, 2022.

WOLFE & WYMAN LLP

/s/ David Blake, Esq.

DAVID T. BLAKE, ESQ.

Nevada Bar No. 11059

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Las Vegas, NV 89119

*Attorneys for Defendant
Citimortgage, Inc*

ORDER

Based on the parties' stipulation [ECF No. 23], IT IS SO ORDERED. IT IS FURTHER ORDERED that Defendant Breckenridge Property Fund 2016, LLC's motion to dismiss [ECF No. 20] is DENIED as moot.



U.S. District Judge Jennifer A. Dorsey

Dated: May 2, 2022

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